

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION INTO HAROLD TELEPHONE)	
COMPANY'S PROPOSED TARIFF FILING TO)	
ESTABLISH NON-RECURRING AND RECURRING)	CASE NO. 10170
CHARGES INCLUDING AN ALLEGED FAILURE TO)	
COMPLY WITH KRS 278.160)	

O R D E R

On September 14, 1987, Harold Telephone Company ("Harold") filed a proposed tariff with the Commission to establish rates and charges for touch-tone service and custom calling features and a late payment charge.

It appears from Harold's letter dated September 10, 1987, transmitting the tariff, that Harold has been offering certain touch-tone and custom calling services before filing any tariffs covering their services:

The rates and charges for touch-tone and custom calling features have been used since digital equipment was installed in 1983. As such these charges will not generate any additional revenue.

KRS 278.160 requires that utilities file with the Commission schedules showing all rates and conditions for service and that no utility shall charge any compensation other than that which is prescribed in its filed schedules. The statute states:

(1) Under rules prescribed by the commission, each utility shall file with the commission, within such time and in such form as the commission designates, schedules showing all rates and conditions for service established by it and collected or enforced. The utility shall keep copies of its schedules open to public inspection under such rules as the commission prescribes.

(2) No utility shall charge, demand, collect or receive from any person a greater or less compensation for any service rendered or to be rendered than that prescribed in its filed schedules, and no person shall receive any service from any utility for a compensation greater or less than that prescribed in such schedules.

FINDINGS AND ORDERS

The Commission is of the opinion and finds that:

1. Harold, a corporation which engages in the transmission or conveyance over wire, in air or otherwise, of messages by telephone or telegraph for the public for compensation, is a utility pursuant to KRS 278.010 and as such is subject to the regulation of the Commission pursuant to KRS 278.040.

2. According to the September 14, 1987, cover letter, Harold may have violated KRS 278.160 by implementing rates and charges for touch-tone and custom calling features prior to filing schedules with the Commission.

3. Harold should appear before the Commission on Tuesday, March 29, 1988, at 10:00 a.m., Eastern Standard Time, in the Commission's offices at Frankfort, Kentucky for the purposes of presenting evidence concerning the implementation of charges for touch-tone and custom calling features prior to filing schedules with the Commission and showing cause why it should not be subject to penalties prescribed in KRS 278.990 for failure to comply with KRS 278.160 and subject to refunding monies which were collected as a result of unauthorized rates and charges.

4. Should Harold desire an informal conference with Commission Staff to discuss these issues, it should file a request for a conference by March 9, 1988.

Each of these findings is HEREBY ORDERED.

Done at Frankfort, Kentucky, this 26th day of February, 1988.

PUBLIC SERVICE COMMISSION

Frederic D. Hemmings Jr.
Chairman

Robert M. Davis
Vice Chairman

James H. Wilkerson
Commissioner

ATTEST:

Executive Director